



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

September 6, 1991

Mr. Burton F. Raiford
Interim Commissioner
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030

OR91-400

Dear Mr. Raiford:

You ask about the duties of the Department of Human Services under the Open records Act, article 6252-17a, V.T.C.S., to respond to a request for information. Your inquiry was assigned ID# 13130.

You have received a request from a reporter for answers to various questions about the Department of Human Services Child Protective Services Program (CPS). You say that while the department will provide, in response to the request, statistical and numerical information that is in existence, no documents exist which are responsive to some of the questions. To find out if information exists which is responsive to those questions and to make it available, you say, would require exhaustive research into CPS case files and compilation of the relevant information. You note also that the department would be unable to make the files themselves available to the requestor for her inspection since they contain a considerable amount of information made confidential by statute. *See* Fam. Code § 34.08 (confidentiality of reports, records, and working papers used or developed in department's investigations of child abuse or neglect). You ask for our determination that, under the Open Records Act, article 6252-17a, V.T.C.S., "the Department is only required to respond to [the requestor's] questions with information or statistics that are in existence rather than having to create new studies, statistics or documents."

We agree that the a governmental body is not required under the Open Records Act to create new documents or compilations of information in response to a request. Open Records Decision No. 555 (1990). Please note however that the rule that a governmental body is not required to create new documents or compilations of information does not apply where where requested and otherwise

public information is stored on computer and the information may be "called up" under an existing program. Attorney General Opinion JM-672 (1987).

We are advising the requestor, by copy of this letter, of our response to your inquiry. The requestor and the department may wish to consult on how the requestor may put her questions in a form more amenable to your provision of information. Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-400.

Yours very truly,

A handwritten signature in dark ink, appearing to read "William Walker", is written over the typed name.

William Walker
Assistant Attorney General
Opinion Committee

Enclosures: Open Records Decision No. 555; Attorney General Opinion JM-672

cc: Deborah Tedford
Houston Chronicle
P. O. Box 4260
Houston, Texas 77210